

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

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THE UNITED STATES OF AMERICA,

10-Cr. -905 (LTS)

v.

AFFIRMATION

MANUEL GEOVANNY
RODRIGUEZ-PEREZ, et al.,

Defendant.

-----X
RICHARD LEVITT, an attorney admitted to practice before the courts of
the State of New York, hereby affirms under the penalty of perjury:

1. I am the attorney for Defendant Manuel Geovanny Rodriguez-Perez (“Rodriguez”). I submit this affirmation in support of Mr. Rodriguez’s motion to suppress evidence derived from wiretap surveillance; to dismiss Count Two of the indictment as insufficiently pleaded or multiplicitous; for an order requiring the government to provide certain disclosures at least six weeks before jury selection; and for leave to join in the arguments of his co-defendants to the extent they are not inconsistent with the positions advanced herein.

2. Rodriguez is charged in Counts One and Two of a ten-count multi-defendant indictment with “Organization Marijuana Conspiracy” (Count One) and “Rodriguez Cell Marijuana Conspiracy” (Count Two), under 21 U.S.C. § 846. It is alleged in both counts that between approximately 1992 and October 2010,

Rodriguez and others were engaged in the distribution of 1,000 kilograms or more of marijuana in violation of 21 U.S.C. § 841(b)(1)(A).

3. Pursuant to wiretap warrants issued between January 2010 and October 2010, law enforcement agents recorded hundreds of hours of conversations over ten cell phones belonging to Rodriguez.

4. The following Exhibits, referenced in the memorandum of law in support of this motion, are annexed to this affirmation:

Exhibit A: Chart prepared by counsel of cell phone numbers, dates of interception of each phone and name of issuing judge;

Exhibit B: January 7, 2010 Application of AUSA Amie Ely;

Exhibit C: January 7, 2010 Affidavit of ICE Special Agent Jason Samuels;

Exhibit D: January 7, 2010 Sealed Order;

Exhibit E: January 7, 2010 Order to Sprint/Nextel;

Exhibit F: First Periodic Report;

Exhibit G: Second Periodic Report;

Exhibit H: September 3, 2010 Affidavit of ICE Special Agent Daniel P. Chung;

Exhibit I: September 3, 2010 Excerpt of Affidavit of Special Agent Samuels.

WHEREFORE, for the reasons set forth in the memorandum of law in support of this motion, this Court should issue an order suppressing the evidence derived from wiretap surveillance of Mr. Rodriguez, granting a taint hearing and a *Franks* hearing, and dismissing Count Two of the indictment; or, in the alternative, granting the additional relief requested herein.

Dated: December 21, 2011



RICHARD LEVITT